

Entered - 04-23-01 - sb  
CL 01L0254 - GWENDOLYN BURNS

CLAIM OF: **EUTAVIA DANIEL**  
2256 Beecher Road, SW  
Atlanta, Georgia 30311

**01-R-1027**

For bodily injuries alleged to have been sustained from stepping into an open and abandoned water meter on February 7, 2001 at 2300 Herring Road, SW.

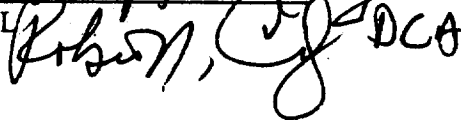
**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **EUTAVIA DANIEL** the sum of **\$1,144.80** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from stepping into an open and abandoned water meter on February 7, 2001 at 2300 Herring Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:

  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

 DCA

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0254

Date: June 7, 2001

Claimant /Victim EUTAVIA DANIEL  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2256 Beecher Road, SW, Atlanta, Georgia 30311  
Subrogation: \_\_\_\_\_ Claim for Property damage:\$ \_\_\_\_\_ Bodily Injury \$ 7,500.00  
Date of Notice: 4/13/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) X  
Date of Occurrence 2/7/01 Place: 2300 Herring Road, SW  
Department WATER Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant sustained bodily injuries when she stepped into an open water meter. An investigation determined that the meter is located in the City's right-of-way in front of an abandoned house and has been open for some time. In fact, records show that the meter was last read in 1987.


### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written X Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 1,144.80 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06-29-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: April 19, 2001

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 17500.00 property and/or \$ 17500.00 bodily injury for which I contend the City is liable.

1. Date of incident: July 7, 2001 2. Time of Incident: 3-4pm 3. Police called: N/A Yes ☒ No ☐

4. Location of incident (including street address): Home next to 2304 Herring Dr SW

5. Name of your insurance company: N/A Policy No. N/A

6. State what and how incident occurred: Injury due to a fall in an uncovered water meter box on Herring Dr SW. Blood spill on on left leg also dark spots on leg still remain. Pain & swelling

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: N/A (Make) N/A (Year) N/A (Tag Number) N/A (Driver's Name)

City vehicle: N/A (Make) N/A (City Driver's Name) N/A (Department/Bureau)

9. Witness: N/A (Name) N/A (Address) N/A (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Eulana Lopez  
(Print Claimant's Name)

256 Beecher Rd SW  
(Address)

Atlanta GA 30310  
(City, State and Zip Code)

411-784-15  
(Work Number)

411-784-15  
(Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0254

\$ 1,144.80

IN CONSIDERATION of the sum of ELEVEN HUNDRED AND FORTY-FOUR AND 80/100  
       DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of a bodily injury incident - open water meter  
which occurred on or about the 7th day of February, 2001,  
at or near 2300 Herring Road, SW

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 8th day of June, 20 01.

Eutavia Daniel (LS)  
EUTAVIA DANIEL

The above release was read and explained to, and signed by the said Eutavia Daniel

       in our presence on the date above written.

Joseph H. Smith  
Intonya  
WITNESSES

01-R-1027